THE HON'BLE MR. JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 14970 OF 2005

DATED: 22-08-2005

Between

T. Kristappa, S/o. T. Kollayappa,

Occupation: RTC Driver, Employee No. 4000179,

R/o. Chalakur Village, Somandepalli Mandal,

Anantapur District.

..... PETITIONER

And

1. The Superintendent of Police, Anantapur and another.

..... RESPONDENTS

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

THE HON'BLE MR. JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 14970 OF 2005

ORDER:

Heard Sri P. Sridhar Reddy, learned counsel for the petitioner and the learned Government Pleader for Home appearing on behalf of the respondents and at their request, the writ petition is disposed of at the stage of admission.

The facts, to the extent necessary, for the purpose of this writ petition are that the petitioner is a driver in the APSRTC, Puttaparthi Depot and is a resident of Hindupur Town. It is his case that on 01-07-2005, Police Head Constable attached to Somandepalli Police Station came down to Puttaparthy Bus Depot of APSRTC and required the petitioner to accompany him to the police station on the ground that the Sub-Inspector of Police had instructed him to do so. The petitioner was asked about the whereabouts of one B. Sudhakar, s/o Anjinappa and since he did not know the whereabouts, he has replied accordingly. It is the petitioner's case that he was detained for more than three hours on that day and was let off thereafter. Again, the next day the Police Head Constable came to the bus depot and directed the petitioner to accompany him to the police station. The petitioner contends that his being called to the police station frequently affects discharge of his duties and that he was constrained to apply for leave in order to go over to the police station. It is his

case that he is being summoned by the police everyday either from the work spot or from his house. The petitioner contends that he is being asked to attend the police station everyday and the same violates his fundamental rights under Articles 21 and 19 (1) (g) of the Constitution of India.

Counter affidavit is filed by the Sub-Inspector of Police, Somandepalli Police Station, the 2nd respondent in the writ petition, wherein it is stated that one Sri M. Anjinappa, s/o late Hanumanthappa, resident of Chalakur Village of Somandepalli Mandal had lodged a complaint on 25-05-2005 alleging that his son by name M. Sudhakar was missing for the past 15 days, based on which a case in Crime No. 66 of 2005 as 'man missing' was registered on 25-05-2005 and investigation was taken up. It is stated that despite investigation, wherein eight witnesses were examined, no clues were available but the needle of suspicion was pointed towards the petitioner. It is stated that the 2nd respondent had deputed Head Constable No. 636 on 27-06-2005 to the petitioner's residence to enquire about the missing person and that the petitioner was not present in his house on 27-06-2005. On enquiry with the staff of Puttaparthi RTC Depot, one Sri K. Rahamatullah is stated to have informed the 2nd respondent that the petitioner was absent since 30-06-2005 and did not attend his duties. The statement of Sri K. Rahamatullah, Traffic Inspector – II, APSRTC, Puttaparthi Depot is stated to have been recorded. Reference is made to a news item published in Eenadu Telugu daily dated 01-07-2005 wherein the complainant is said to have stated that he was informed by the petitioner that his son would be produced by him. The 2nd respondent submits that except deputing the Head Constable, for investigation about the missing of the son of the complainant, to the residence of the petitioner, the petitioner was never called to the police station nor he was harassed. The allegation that the petitioner was detained for more than three hours in the police station is also denied. Several averments in the affidavit filed in support of the writ petition were also denied. It is admitted that no case is registered or pending against the petitioner on the file of the 2nd respondent – Police Station and that the Head Constable was deputed to the residence of the petitioner only for investigating into the man missing case. The 2nd respondent states that on enquiry it came to light that the petitioner was not attending to his duties regularly and in order to cover up the same, he was making allegations against the police authorities.

From the counter affidavit it is clear that no case is registered against the petitioner and that the Head Constable has been deputed to the petitioner's residence as a part of investigation in Crime No. 66 of 2005. While the petitioner is required to cooperate in any investigation, such investigation should not result in needless harassment of the petitioner. While it is always open to the respondents to carry out investigation into Crime No. 66 of 2005 and cause enquiry with the petitioner, such enquiry shall not result in the petitioner being prevented from discharging his duties as driver in the APSRTC. If in case, the petitioner's presence is required, at the police station in connection with the investigation in Crime No. 66 of 2005, he shall be intimated in writing in advance calling upon him to cooperate with the investigation without in any manner disturbing his duties as driver in the APSRTC.

The Writ Petition is accordingly disposed of. There shall be no order as to costs.

_____

22..08..2005

ks